

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

LT. JOHN THOMAS BERRY,)
Plaintiff,)
v.) Civil No. 08-157-B-W
LARRY COSTA, *et al.*,)
Defendants.)

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

No objection having been filed to the Magistrate Judge's Recommended Decision (Docket #30) filed November 4, 2008, the Recommended Decision is accepted.

Accordingly, it is hereby ORDERED that Defendants' Renewed Motion to Dismiss (Docket # 23) be and hereby is GRANTED and the Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 26th day of November, 2008